

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
AT PITTSBURGH

GRAY HOLDCO, INC.,

Plaintiff

v.

RANDY CASSADY and  
RWLS, LLC,

Defendants.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Civil Action No. 09-01519

Magistrate Judge Robert Mitchell

**PLAINTIFF'S MEMORANDUM OF LAW IN  
SUPPORT OF ITS MOTION FOR EXPEDITED DISCOVERY**

Plaintiff Gray Holdco, Inc. ("Gray") have today filed a Motion with this Court on Friday, November 13, 2009 seeking to enjoin Defendants Randy Cassady and RWLS, LLC from, among other things, engaging in unfair competition with Gray in direct violation of restrictive covenants contained in an agreement between Gray and Cassady. In light of Plaintiff's immediate need for injunctive relief, Plaintiff respectfully moves this Court to exercise its discretion over the timing of discovery.

Federal Rule of Civil Procedure 26(d) grants the Court considerable discretion to set the sequence and timing of discovery. Expedited discovery is appropriate in cases involving requests for preliminary injunctions and other forms of immediate relief. See, e.g., Energetics Sys. Corp. v. Advanced Cerametrics, Inc., No. 95-7956, 1996 WL 130991, at \*2 (E.D. Pa. Mar. 15, 1996).

This is an appropriate case for expedited discovery because this action involves claims for breach of restrictive covenants. Defendant Cassady, a former Region Manager for GWSI, has breached the restrictive covenant in his Option Agreement with Gray by establishing and/or

working for RWLS, Inc. (d/b/a Renegade Services) (“RWLS”) almost immediately following his resignation from GWSI on September 21, 2009. Cassady and RWLS are also using Cassady’s confidential knowledge relating to GWSI and its customers to actively recruit GWSI employees to resign from GWSI and join RWLS and to attempt to divert business from GWSI to RWLS. Expedited discovery will permit the parties to put before the Court as full and complete a record as possible when the Court holds its hearing on Plaintiffs’ Motion for a Preliminary Injunction. Further, the initial discovery that GWSI seeks will not be burdensome. GWSI seeks only the depositions of Cassady and a corporate designee of RWLS, and the production of documents and responses to interrogatories directly related to Cassady’s efforts to unfairly compete with GWSI.

For the foregoing reasons and for the reasons set forth in Plaintiff’s Complaint, Motion for Preliminary Injunction and Memorandum of Law filed in support thereof, the Court should grant Plaintiff’s Motion.

Respectfully Submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

/s/ Thomas H. May

Thomas H. May  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402  
(412) 392-5437

Alan Berkowitz  
J. Ian Downes  
Dechert LLP  
2929 Arch Street  
Philadelphia, PA 19104  
(215) 994-4000

Attorneys for Plaintiffs

November 17, 2009

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Memorandum of Law in Support of Motion for Expedited Discovery has been mailed by U.S. First Class Mail, postage prepaid, this 17th day of November, 2009 to the following:

Randy Cassady  
1040 Progress Street, Apt. M-704  
Pittsburgh, PA 15212

and has been mailed by overnight delivery to the following:

RWLS, LLC  
617 Poplar Street  
Levelland, Texas 79336

/s/ Thomas H. May